

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.748 of 2007
In
Criminal Appeal No.608 of 2007

Avinath Vishnupant Nikam

Applicant

Vs.

State of Maharashtra

Respondent

Mr.V.V.Purwant for applicant.

Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 6, 2007.

P.C.

. Heard. This is an application for bail. The applicant has been convicted and sentenced for the offence punishable under Section 306 of IPC in Sessions Case No.27 of 2006. The applicant as well as four other members of his family were tried for the offences punishable under Sections 498-A and 306 read with Section 34 of IPC. All of them have been acquitted for the offence punishable under Section 498-A read with Section 34 of IPC. Accused nos.2 to 5 have also been acquitted from the offence punishable under Section 306 read with Section 34 of IPC.

. One of the reasons that the trial Court has

convicted the accused no.1 - husband is on the ground that he was intending to prolong the arrival of the baby and, therefore, it was a mental torture to the wife. This is a fit case to release the accused on bail.

. Hence the application is allowed and it is directed that the applicant be released on bail, if not required in any other case, on furnishing a PR bond in the sum of Rs.10,000/- with one solvent surety for the like amount and he shall report to the nearest police station once in a month during the pendency of appeal.